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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,467	05/02/2001	Sverre Johannesen Overa	2000-1408A	7612

7590 09/26/2002

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EXAMINER

MANOHARAN, VIRGINIA

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 09/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/673,467

Applicant(s)

OVERA ET AL.

Examiner

Virginia Manoharan

Art Unit

1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 1764

It is suggested that the heading "brief Descriptions of the Drawings" be incorporated at page 3 of the specification.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors e.g. typographical, grammar, idiomatic, syntax and etc. applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "characterized" is not a recitation of positive structural elements of an apparatus or plant.

The limitations recited prior the "characterized" provides for ambiguity and confusion as it is not clear said limitations are part of the claimed invention that are new or old in the art.

The claims should be amended to a Japson-type-formal (if intended) in accordance with rule 1.75 (e-to delineate that which is considered to be an improvement in the art.

The claims. As recited, provide for confusion since the term "process plant" is directed to two different statutory subject matter i.e. "plant" for apparatus claims and "process to method claims.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP

Art Unit: 1764

§ 2172.01. The omitted elements are: The structure which goes to make up the device is not clearly and positively specified. The structure must be organized and correlated in such a manner as to the present a complete operative device. This rejection is based on claims being directed .

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP

§ 2172.01. The omitted steps are: The positive, manipulative method steps. This rejection is based on claims being directed to process or method.

The claim is rejected under 35 U.S.C. 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation in the specification at the paragraph bridging pages 4-5 is the present invention as it is described in the claims is improper as the terms used in the claims are to be interpreted in light of the specification and not vice versa.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

It is suggested that the heading "Brief Description of the Drawings" be incorporated into the specification at page 3.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors e.g. typographical, grammar, idiomatic, syntax and etc. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The term "characterized" is not a recitation of positive, structural elements of an apparatus or plant. Also, the limitations recited prior the "characterized" provide for ambiguity and confusion as it is not clear whether said limitations are to be considered new or old in the art.

The claims should be amended to a Jepson-type-format (if intended) in accordance with rule 1.75 e) to delineate that which is considered to be an improvement in the art.

b. The claims, as recited, provide for confusion since the term "process plant" is directed to two different statutory subject matter, i.e., "plant" for apparatus claims and "process" to method claims.

c. Regarding claim 1, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omission is that the structure which goes to make up the device is not clearly and positively specified. The structure must be organized and correlated in such a manner as to the present a complete, operative device. (This rejection is based on claims being directed to apparatus).

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omissions is that the positive, manipulative method steps are not positively recited in the claims. (This rejection is based on claims being directed to process or method).

Claims 1-4 are rejected under 35 U.S.C. 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The specification, at the paragraph bridging pages 4-5, reciting that "the present invention as it is described in the claims" is improper as the terms used in the claims are to be interpreted in light of the specification and not vice versa.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO '541 or Mair.

Mair or WO '541 anticipates or renders obvious the claimed process "...plant (1) for handling combustible fluids, for example an oil production plant in which gaseous or residual gases from uncontrolled build-ups of gas pressure in the process escape through process or safety valves in the plant and are conducted to a collection (9).

characterised in that

the surplus or residual gases are conducted via the collection line (9) to one or more low-pressure stores (2) and that a connection line or return line (11, 3) is arranged from the store(s) (2) to the process or another treatment unit for processing the returned or collected fluid..."as broadly claimed in claim 1.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Potter discloses a recovery system for pressured gas lines.

Art Unit: 1764

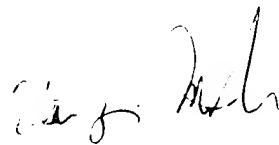
- b. Battey discloses a method for handling volatile liquids.
- c. Harsberger discloses a gas gathering system.
- d. Czarnecki discloses a method for separation of gas and oil mixtures.
- e. Dieges discloses an apparatus and method wherein a recycled surplus gas is supplied by a container.
- f. Bjoerkhaug et al discloses a device for recovery of excess gas.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to V Manoharan whose telephone number is 703 308-3844. The examiner can normally be reached on Tues-Fri from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marian Knode can be reached on 703 308-4311. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7718 for regular communications and 703 308-0651 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.

Examiner Manoharan/ng
September 25, 2002



1764
9/25/02